

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Gwendolyn Thomas,)	C/A No.: 3:13-647-JFA-SVH
)	
Plaintiff,)	
)	
vs.)	REPORT AND RECOMMENDATION
)	
Richland County School District II,)	
)	
Defendant.)	
)	

On May 21, 2014, John M. Reagle, Esq., counsel for Defendant, filed a suggestion of Plaintiff's death in this matter, indicating the following:

On Monday, May 19, 2014, Racquel Dobbs, Plaintiff's friend and a teacher in Richland County School District One, came to the office of Childs & Halligan and informed attorney Kathryn Long Mahoney that Plaintiff passed away Friday, May 16, 2014. Ms. Dobbs asked Ms. Mahoney to call Annie Crafts (at (706) 573-5872), who Ms. Dobbs stated is Plaintiff's sister. Ms. Mahoney dialed the number but no one answered and there was no opportunity to leave a voice message.

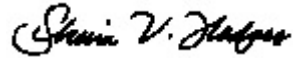
While Ms. Dobbs was still in the office of Childs & Halligan, she attempted to reach Ms. Crafts on her cell phone and was able to do so. Ms. Dobbs handed Ms. Mahoney her cell phone and asked Ms. Mahoney to talk to Ms. Crafts, which she did. Ms. Crafts also stated to Ms. Mahoney that Plaintiff passed away on Friday, May 16, 2014. Ms. Mahoney referred Ms. Crafts to the Court with regard to questions she may have regarding Plaintiff's civil action against the Defendant.

[Entry #53]. Counsel also filed a certificate of service for the suggestion of death, indicating that it had been served at Plaintiff's address of record. [Entry #53-1].

No party having filed a motion for substitution within 90 days, the undersigned hereby recommends this case be dismissed without prejudice. *See* Fed. R. Civ. P. 25(a)(1) ("If the motion [for substitution] is not made within 90 days after service of a statement

noting the death, the action by or against decedent must be dismissed.”) If the district judge accepts this recommendation, all pending motions will be rendered moot.

IT IS SO RECOMMENDED.

A handwritten signature in black ink, reading "Shiva V. Hodges".

August 20, 2014
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk
United States District Court
901 Richland Street
Columbia, South Carolina 29201

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).